

Article - Environment

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§7-508.

(a) After the Department approves an application in accordance with § 7-506 of this subtitle, the participant shall develop a response action plan that includes:

(1) A plan for all work necessary to perform the proposed response action plan, including long-term monitoring and maintenance of the site, if necessary;

(2) A demonstration to the satisfaction of the Department that the proposed response action plan:

(i) Will achieve the appropriate criteria under subsection (b) of this section; and

(ii) Will protect public health and the environment;

(3) A certified written statement that the property meets all applicable county and municipal zoning requirements; and

(4) Any other information related to the proposed response action plan that the Department may reasonably require to determine that the plan meets the requirements of this subtitle.

(b) A participant shall select one or more of the following criteria that protects public health and the environment, as may be appropriate when proposing a response action plan:

(1) Uniform numeric risk-based standards;

(2) Measurable standards based on site-specific risk assessments;

(3) Background levels;

(4) Federal or State soil standards or water quality standards;

(5) Standards based on federal or State maximum contaminant levels (MCLs); or

(6) Any other federal or State standards.

(c) The response action plan shall:

(1) Enumerate the responsibilities and duties of the Department and the participant;

(2) Include a schedule for the implementation and completion of the response action plan;

(3) Include a written agreement that if the response action plan is approved, the participant agrees, subject to the withdrawal provisions set forth in § 7–512 of this subtitle, to comply with the provisions of the plan; and

(4) Include a proposal for the filing of a performance bond or other security in accordance with the requirements of subsection (d) of this section.

(d) (1) A participant shall file a performance bond or other security with the Department within 10 days after receiving the Department's approval of a response action plan and before the participant may perform any work on the site.

(2) (i) The performance bond required under paragraph (1) of this subsection shall be in an amount determined by the Department to be necessary to secure and stabilize the site if the response action plan is not completed.

(ii) The market value of other security deposited under this section may not be less than the amount specified in subparagraph (i) of this paragraph.

(3) The obligation of the bond filed under this section shall be void upon the issuance of a certificate of completion to the participant or, if the participant withdraws from the Program, 16 months after the date of withdrawal.

(4) The obligation of the participant under the bond or other security shall become due and payable upon notification by the Department that actions must be taken to fulfill the requirements of § 7–512 of this subtitle to the extent the requirements of § 7–512 of this subtitle apply to the participant.

(e) (1) The Department may adopt uniform numeric risk-based standards by regulation based on residential and industrial uses under subsection (b) of this section.

(2) The Department shall review uniform numeric risk-based standards every 4 years and may revise the standards.

(f) This section may not be construed to eliminate or otherwise affect any other provision of law requiring a person to report a release or a threat of a release of a controlled hazardous substance.

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